

### **REMARKS**

Claims 1-7 and 12-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Application WO 01/37694 A1 (WO '694) in view of U.S. Patent No. 6,842,950 (Fleuchaus). The Applicant respectfully disagrees.

The Examiner acknowledges that "WO '694 fails to disclose...that the sum of said left and right portion widths is larger than the width of the central strip region..." Office Action at pp. 2-3. Nor does the Examiner identify this feature in Fleuchaus. However, the Examiner asserts that "the fastener strip disclosed by WO '694 and modified by Fleuchaus meets *the rest* of the claim limitations." (other than the feature not disclosed in WO '694). Office Action at pp. 3-4, emphasis added. Thus, neither of the cited references discloses a common feature of the rejected independent claims: "the sum of said left and right portion widths is larger than said width of said central strip region" (see claims 1, 12, 19 and 20). As the Applicant has previously explained, this feature prevents foam from entering the cavity during pouring of the foam.

The Abstract of WO '694 suggests that the structure disclosed therein offers particular improvements in the art:

The invention relates to a contact closure component, comprising a support band (10) and hook elements (12), arranged on the support band (10). The support band has at least one bend-resistant reinforcing element (14), which stretches the length of the support band (10). The known contact closure components are thus further optimized, whereby they display better fixing properties on foam bodies, in particular, are more easily manipulated and retain the geometrical shape initially taken.

While the Abstract identifies the improvements "more easily manipulated" and "retain the geometrical shape initially taken", preventing foam from entering the cavity is not identified and no mention is made relating to an improvement for preventing that problem.

Fleuchaus, in contrast, explicitly identifies a shortcoming in the prior art for manufacturing foam cushions being formed over trim cover fasteners:

A problem associated with this type of manufactured foam cushion arises because it is difficult to mold the fasteners and the foam together without having the foam flow around the fastener body eliminating the ability of the fastener to secure a trim cover thereon. The [U.S. Patent No. 5,900,303] reference attempts to overcome this problem by sealing the ends of the fasteners with a sealant. This solution is not desirable because it does not

completely prevent intrusion of foam around the fasteners. This is because the ends of the fastener are not securely positioned within the mold. Thus, foam may seep through small spaces between the ends of the fasteners and the mold. As a result, the trim cover attachment members on the fastener assemblies are partially covered with foam and the attachment of the trim cover to the foam pad is weakened.

(column 1, lines 32-45, emphasis added).

In response to this problem, Fleuchaus discloses a solution -- particular structure that prevents foam from seeping around the foam surface of the fastener and onto the mold surface:

A plurality of sealing arms 54 extends along the length of each of the plurality of longitudinal sides 52. Each of the plurality of sealing arms 54 extends out from the base 44 at an angle thereto and includes a flange 55 extending out from the sealing arms 54 generally perpendicular thereto. The flanges 55 directly engage the mold trench 24. Each of the plurality of sealing arms 54 engages the mold trench 24 to secure the fastener 42 within the mold trench 24 and to seal the mold trench 24 during the molding process. As the foam is placed into the lower mold 16, the engagement of the plurality of sealing arms 54 with the mold trench 24 prevents any foam from seeping around the foam surface 48 of the fastener 42 and onto the mold surface 46.

(column 3, lines 33-45, emphasis added).

See also, column 4, lines 49-53 ("In addition, the sealing arms 54 of the plurality of longitudinal sides 52 engages the mold trench 24 to seal the mold trench 24 so that foam does not seep through the space between the plurality of longitudinal sides 52 and the mold trench 24.")

The MPEP instructs that "obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) (discussing rationale underlying the motivation-suggestion-teaching test as a guard against using hindsight in an obviousness analysis)." § 2143.01. However, the Examiner has not pointed to a teaching in the cited references that establishes that the feature "the sum of said left and right portion widths is larger than said width of said central strip region" was known at the time the invention was made. The mere statement that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness. See, MPEP § 2143.01(IV) (A statement

that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made," because the references relied upon teach that all aspects of the claimed invention were individually known in the art, is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)).

Since Fleuchaus discloses a specific structural feature that provides a solution to the problem of foam flowing into a mold cavity, one of skill in the art would have no need, and therefore no motivation, to modify the width of the left and right portions to prevent foam from entering the cavity and polluting the fasteners. Here, there is no prior art reference teaching the claimed feature, but even if there were, the fact that the prior art already discloses a solution to the problem takes away the ability to assert that there is "some objective reason to combine the teachings of the references" (*Ex parte Levengood*). The only objectively reasonable modification to the WO '694 reference would be to include the structure disclosed in Fleuchaus, which as the Examiner admits, does not include the feature "the sum of said left and right portion widths is larger than said width of said central strip region."

In addition to the shortcomings of the combination of WO '694 and Fleuchaus, the present invention offers several advantages over prior art forms, precisely because of its different structure. Because the sum of the left and right portion widths is larger than the width of the central strip region, a worker positioning the article within a mold is not required to precisely place the base into the mold. The left and right portions (and the ledges underneath them) are wide, so a slight transversal or rotational shift or misalignment of the article will not result in any impaired sealing of the cavity. Thus, even if the article is not placed in the very exact center of the mold/cavity, the sealing will still be good. As a result, worker time can be saved.

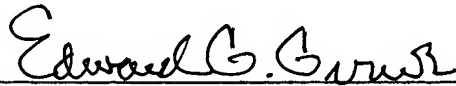
Claim 8 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,688,576 (Ohno). The Applicant respectfully disagrees. The Examiner cites to the teachings in column 5, lines 31-59, but the Applicant disagrees

with the Examiner's assertion that W2 represents the width of recess 6. Rather, W2 includes the width of the walls, and therefore the Examiner's calculations at page 10 of the Office Action do not yield a disclosure that the "cavity has two side walls, spaced apart by a distance between 4.5 and 12 mm."

In view of the foregoing remarks, the Applicant believes that claims 1-8 and 12-20 are in condition for allowance and the issuance of a formal Notice of Allowance is earnestly solicited.

If any issues remain after this Amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



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Edward G. Greive, Reg. No. 24,726  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
Fourth Floor, First National Tower  
Akron, Ohio 44308-1456  
Telephone: (330) 376-1242

Attorney for Applicant

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